

REMARKS

In the Office Action dated September 14, 2004, claims 1-4, 6-12 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kubatzki et al, Aas, and Gil. Claim 5 was rejected under 35 U.S.C. §103(a) based on this same combination of references, further in view of Rothstein. Claim 13 was rejected under 35 U.S.C. §103(a) over the original combination, further in view of Ezzet et al.

Applicant notes with appreciation the interview courteously afforded the undersigned counsel for the Applicant on October 26, 2004, at which the Examiner's supervisor also was present. It was agreed at the interview that the present rejections would not be maintained, and that prosecution would be re-opened in order to give the Examiner an opportunity to search in certain sub-classes that had not previously been searched.

As discussed at the interview, the Aas reference is directed to a parallel switch for connecting a number of peripheral devices to a PC. As discussed in Applicant's previous response, the subject matter disclosed and claimed in the present application involves the use of a switchover module connected between a postage meter, a scale and a modem for *serially* conducting data downloading of rate table data directly from an external source to the postage calculator (wherever the postage calculator may be located, i.e. in the meter or in the scale). Applicant argued that the parallel operating switch disclosed in the Aas reference would not be considered by those of ordinary skill as being suitable for this purpose. More importantly, however, neither the Aas reference nor the Kubatzki et al reference provides a motivation, teaching or other inducement to employ a switchover module connected in the manner set forth in independent claim 1, nor do any of the

references provide a teaching, motivation or inducement to operate a switchover module in the manner set forth in independent claim 1.

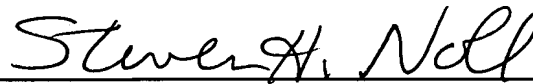
As additionally discussed at the interview, claim 1 requires that the rate table data be conducted to the postage calculator *exclusively* via the modem and the switchover module. As explained at the interview, this is to alleviate the "bottleneck" problem that has conventionally existed when rate table data must be downloaded via the postage meter. This requires that the postage meter, however briefly, exit its normal franking routine in order to enter into a routine for downloading the rate table data, even if the rate table data are merely "passing through" the postage meter. The switchover module set forth in claim 1 completely avoids the necessity of the postage meter entering in any way into the downloading of the rate table data, so the aforementioned "bottleneck" problem is alleviated. As explained at the interview, the word "exclusively" as used in claim 1 is intended to mean that only the modem and the switchover module are involved in the downloading of the rate table data, and no other component is involved.

The manner by which the Gil reference entered into the rejection of claim 1 is not clear from the last Office Action. The Examiner stated that the Gil reference discloses the combination of an electronic postage computing scale and a postage meter, which Applicant does not dispute, but the Examiner did not provide further guidance as to how these teachings of the Gil reference entered into the rejection of the claims.

Applicant therefore respectfully submits that the basic combination of Kubatzki et al, Aas and Gil does not disclose or suggest the subject matter of claim 1, nor the subject matter of any of the claims depending therefrom. In view of this position, Applicant does not view it as necessary to individually discuss the further secondary

references, since this basic combination was relied upon by the Examiner as the basis for rejecting all claims of the application.

As agreed at the interview, prosecution will be reopened and the application will be reconsidered.

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